

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN RE

CARMEN CABRERA ARTACHE

DEBTOR

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CASE NO. 11-01424 ESL

CHAPTER 13

**DEBTOR'S MOTION REQUESTING ORDER  
RE: AUTHORIZATION TO USE FUNDS FROM TAX REFUND**

TO THE HONORABLE COURT:

NOW COMES, **CARMEN CABRERA ARTACHE**, debtor, through the undersigned attorney, and very respectfully states and prays as follows:

1. This Court has ruled that a "tax refund becomes income when received and in the amount received. The amount must be paid into the plan shortly after receipt." *Opinion and Order*, dated June 22, 2009, *In re Figueroa Padilla*, case no. 07-07495.

2. The debtor's proposed Plan dated February 24, 2011, provides that debtor's tax refunds will be paid into the Plan. See docket no. 2.

3. The debtor has received her 2010 tax refund in the sum of \$941.00. Attached is copy of the check as received from the Treasury Department of Puerto Rico, dated March 14, 2011.

4. The debtor respectfully submits to the Court that she needs to use these funds to pay for: home repair expense, specifically to correct a roof leak in debtor's house. Attached is copy of roof repair estimate.

5. The debtor needs to use the funds from the 2010 "tax refund" to pay for this reasonable expense. The debtor is living within a very "tight" budget which barely covers her daily expenses and a Plan payment of \$550.00.

6. Based on the abovestated, the debtor respectfully requests this Court to Order the authorization of the use of these funds to allow the debtor to pay for this expense with her "tax refund".

**WHEREFORE**, debtor, through the undersigned attorney respectfully requests that this Honorable Court grant the foregoing motion and allow the use of the funds from the 2010 tax refund by the debtor to pay for the above stated expense.

**NOTICE:** Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee, Jose Ramon Carrion Morales, Esq.; I also certify that a copy of this motion was sent via US Mail to Carmen Cabrera, HC 1 Box 4668 Comerio PR 00782.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 25<sup>th</sup> day of April, 2011.

/s/ Roberto Figueroa Carrasquillo  
ROBERTO FIGUEROA CARRASQUILLO  
USDC #203614  
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CARMEN CABRERA ARTACHE

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